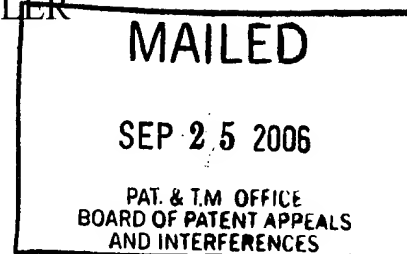


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BRIAN ROUNDTREE and CRAIG G. EISLER

Appeal No. 2006-2367
Application No. 09/783,608



ORDER REMANDING APPLICATION TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences (BPAI) on September 14, 2006. Pursuant to MPEP § 1211, the above-identified application is remanded to the examiner for appropriate action with respect to the matter set forth below.

On August 18, 2006, appellants filed a reply brief under 37 C.F.R. § 41.41 in response to the Examiner's answer filed June 16, 2006. A docketing notice assigning an appeal no. to the application was prematurely mailed by the BPAI on June 26, 2006. However the reply brief need to be considered and responded to by the examiner.

Appeal No. 2006-2367
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Accordingly, it is

ORDERED that the application is remanded to the examiner for

- 1) consideration of the reply brief filed by appellants on August 18, 2006, and
- 2) for a written notification to appellants of said consideration; and
- 3) for such further action as may be deemed appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:

A handwritten signature in black ink, appearing to read 'Dale M. Shaw', is written over a horizontal line.

DALE M. SHAW
Deputy Chief Appeals Administrator
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DMS:pgc

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